REMARKS

By the above actions, claim 2 has been cancelled as being superfluous in view of the nature of claim 21. In view of these actions and the following remarks, further consideration of this application is requested.

At the outset, the undersigned wishes to thank the Examiner for his open-minded consideration of the points raised by the undersigned in an interview conducted on January 27, 2009. The nature and results of these discussions are set forth below in connection with applicants' response to the rejections contained in the October 28, 2008, Office Action.

Claims 2-24 were rejected under 35 USC § 112, first and second paragraphs with respect to the use of the term "cement material." However, as was pointed out to the Examiner, the use of this term, which had not been found to be improper prior to these rejections, has existed in the application from day 1, and is both fully supported and clearly defined in the specification, not to mention that any one of ordinary skill in the art would know what would constitute the claimed cement material. In particular, it was noted that the cement material is referred to throughout the detailed description as pertaining to the layer 14, the nature of which is specifically described in the sentence spanning pages 2 and 3 and in the last paragraph of page of page 5 as well as in claims 8 and 17, both of which are original claims. Furthermore, in response to the Examiner's inquiry as to whether the cement material was a commercially available product or a specially created one, it was indicated that such was immaterial so long as it possessed the requisite properties, such being set forth in the first full paragraph of page 5 and in claims 18-20 and 22-24, claims 18-20 being original claims. On the basis of the foregoing, it is understood that the rejections under § 112 will be withdrawn and such action is requested.

Claims 21, 3-6, 8-20, and 22-24 have again been rejected under 35 USC § 103 as being unpatentable over the Bienert et al. patent when view in combination with applicants' admitted prior art, i.e., the "SentryGlas" Plus safety glass interlayer of DuPont (hereafter, the "SentryGlas material") only now with additional reference to either of the two Bolton et al. patents, while claim 7 has been rejected based on this prior art when viewed further in light of either of the Choussade et al. and Gourio references. However, it was pointed out to the Examiner that these rejections fail to take into consideration the nature of the components attached by applicants'

shatterproofing cement material. That is, claim 21 recites that the cement material securely attaches a metal attachment part "selected from the group consisting of a reinforcing element for the pane, a retaining element for connecting the pane to one of the vehicle body and an element connected to the vehicle body." As pointed out to the Examiner, all of these elements are types of parts designed to bear a load and thus require properties in the cement material beyond those required simply to serve as a laminating layer between panels or between a pane and a covering sheet. Nothing in the prior art cited by the Examiner indicates or remotely suggests that the commercially available cementitious shatterproofing materials were known to have the requisite properties to securely attach such vehicle parts. In fact, because there is no evidence that even indicates that knowledge of what properties are requisite to obtain secure attachment of such vehicle parts was possessed by those of ordinary skill, the taking of judicial notice as was done in paragraph 14, page 5 of the Examiner's Action is inappropriate.

That is, as previously indicated, the mere fact that the properties of commercially available material cited by applicant as an example of a suitable material were known, cannot be equated with knowledge that such properties were suitable for applicants' purpose since there is no evidence that such a material was ever used for such a purpose or that any other shatterproofing material was ever used for such a purpose. Only the present applicants have found that a cementitious shatterproofing material could be used for secure attachment of the type of parts set forth in claim 21, and only the present applicant's have determined that such a material should have the properties set forth in claims 18-20 and 22-24 to be an advantageous material for securing of the type of parts recited in claim 21.

The Bienert et al. patent uses a clamping effect to secure the attachment part (lower frame member 7) to the pane (cover plate 5), and the fact that Bienert et al. patent indicates that sheet 6 has an adhesive for attachment of it to the pane, reflects a lack of recognition that such a sheet could also be used for attachment of the frame instead of the more costly extra elements used.

As for the Examiner's reliance on applicants' disclosure of their use of the SentryGlas material, it is both improper and based on conclusions lacking in any appropriate supporting facts. The Examiner's "understanding" that applicants are "using a commercially available material for its known properties to replace a previously known material with lesser properties" is incorrect it two respects. First, the SentryGlas material is only taught by its manufacturer for

use as a "safety glas interlayer" and there is nothing in DuPont's materials that would suggest that it the SentryGlas material is suitable for attaching metal frame elements to a glass pane. Also, the present applicants are not using it to "replace a previously known material" since no sheet material is used by Bienert et al. to secure his frame 7 to their glass pane and surely the Examiner is not suggesting that there is some basis for substituting the SentryGlas material for the use of upper frame 8 of Bienert et al.'s arrangement.

Furthermore, as noted in applicants' previous response, since the SentryGlas material is designed as an interlayer that has an adhesive on both sides, it cannot be left uncovered in the areas that are located away from Bienert et al.'s frame 7 if it were to be used in place of their sheet 6; yet, why would one of ordinary skill go to the expense of requiring the use of two layers (i.e., the SentryGlas material layer and a cover layer corresponding to layers 14 and 16 of the present application) when there is no clear indication of any need to use an adhesive to secure frame 7 in addition to the clamping effect produced by Bienert et al.'s frame 8 and because such a modification would eliminate the structure required "for preventing deformations or warping of the cover plate?" It is only because the present applicants are able to use their adhesive layer for direct attachment of a reinforcing or retaining element to the pane without the need for other elements that "a simple and economical production of the arrangement is enabled" (see, the sentence of paragraph [0010] spanning pages 2 and 3 of the substitute specification). Thus, it most certainly is NOT "merely common sense to further bond the element 7 of Bienert et al. to the pane" as asserted by the Examiner, especially since, as noted above, it was not known that the properties possessed by the SentryGlas material were suitable for attachment of such a frame part.

With regard to the Bolton et al. patents, as was pointed out to the Examiner in the interview, while Fig. 8 of these patents shows the attachment of a metal layer 86, such a layer as part of a laminate "safety glass article" is not comparable to the "attachment parts" of claim 21 (or of claims 14 and 15 which depend therefrom) since, e.g., the tensile strength of the cementing layer to which it is attached would have no significance because nothing would be pulling on such a layer as is the case for attachment parts. Thus, even with further consideration of the Bolton et al. patents, the present invention is not rendered obvious.

Thus, the Examiner's hindsight use of applicants' own disclosure of the suitability of the SentryGlas material for applicants' purposes is not only improper, but is not obvious in the

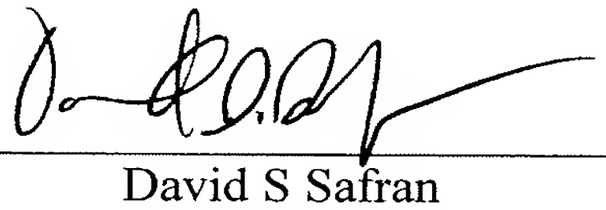
context of the Bienert et al. disclosure even when the Bolton et al. patents are considered in addition.

As for the Choussade et al. and Gourio references, they have merely been cited relative to the use of a cover film as set forth in claim 7. However, nothing in these references remedies the deficiencies of the rejection applied to claim 21 from which claim 7 is dependent. Thus, even if, for the sake of argument, it were obvious to apply a cover film to a shatterproofing layer, such still would not make it obvious to use a shatterproofing layer for attachment of the type of parts secured by applicants as claim as set forth in claim 21.

Accordingly, reconsideration and withdrawal of the § 103 rejections are in order and are now requested.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,



David S Safran
Registration No. 27,997

Customer No. 25570

Roberts Mlotkowski Safran & Cole, P.C.
P.O. Box 10064
McLean, VA 22102

Telephone: (703) 584-3273

DSS:kmm